

BY THE CITY UTILITIES COMMITTEE

AN ORDINANCE TO AMEND SECTION 138-9 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ALLOW "SANDWICH BOARDS" IN THE PUBLIC RIGHTS-OF-WAY; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta City Code, Chapter 138, Streets, Sidewalks and Other Public Places, Section 138-9 (b), provides that it shall be unlawful for any person to affix or cause to be affixed any signage to or upon any sidewalk, with certain exceptions listed in subsection (c); and

WHEREAS, the Atlanta City Code, Volume III, Land Development Code, Part 16, Zoning, Section 16-28A.012 of the Sign Ordinance, provides that no sign shall be allowed in the public right-of-way, except as permitted in Sections 16-28A.012, 138-8, and 138-9 of the code of ordinances; and

WHEREAS, the Atlanta City Council desires to allow restricted placement of temporary "sandwich" boards in the public rights-of-way.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS THAT

Section 1. Chapter 138, Article I, Section 138-9, Affixing signs within rights-of-way, be amended to include another exception by adding a subsection (c)(10) as follows:

(10) Business identification signs or "sandwich boards" for which a permit has been obtained from the director of public works.

(I) **Permit.**

(A) Applications for all permits for the placement of business identification signs, or "sandwich boards," must contain the following:

(i) The applicant's name and address at which any notices required by this article shall be deemed received when placed on an envelope and deposited in the United States mail with adequate postage affixed.

- (ii) The telephone number of the applicant at which notice of any changes deemed necessary to permitted sandwich boards are appropriately received.
 - (iii) The exact location of each sandwich board to be permitted.
 - (iv) The exact dimensions, height, width, and depth, of the sandwich board.
 - (v) An agreement of indemnification.
 - (vi) A certification that the applicant has reviewed, understands, and will comply with all requirements of this section.
 - (vii) An agreement by the applicant promptly to inform the director in writing of any changes in the applicant's name, address, or telephone number, and that failure to do so shall constitute grounds for revocation of the permit.
- (B) No fee shall be required for the issuance of a sandwich board permit.
- (C) Applications for all permits for the placement of sandwich boards shall be reviewed, and if in compliance with all requirements of this section, shall be approved by the director of public works within 30 days of receipt of such applications.
- (D) If at any time the director of public works determines to deny an application for a permit, or determines that a sandwich board for which a permit has been issued does not comply with any requirement of this article, the director shall issue a written notice of intent to deny, or intent to revoke, the applicable permit to the applicant or permittee. The notice shall state specifically the reason for the denial or revocation of the permit, and shall offer the applicant or permittee an opportunity for a hearing before the director of public works or his or her designee, on such denial or revocation not less than ten days following the issuance of such notice. The applicant or permittee may file a written response to the notice prior to such hearing setting forth the reason the permit should issue or should not be revoked. In the alternative, the

applicant or permittee shall submit sufficient evidence that any application deficiency or violation has been corrected. If the director of public works or his or her designee determines, following a hearing, that the denial was proper, or that the violation as charged is true and accurate, and that the applicant or permittee has not caused the application or violation to be corrected, or if the applicant or permittee fails to appear at the hearing and can present no justifiable excuse for the nonappearance, a final notice of denial or revocation shall issue. If sufficient evidence is submitted that the applicant or permittee is in compliance with the requirements of this article, the director shall issue the requested permit, or withdraw the notice of violation.

- (II) **Hold harmless agreement.** Every person who places a sandwich board on a public sidewalk or public right-of-way in the city shall file a written statement with the municipal clerk satisfactory to the city attorney, whereby the person agrees to indemnify and hold harmless the city, its officers, directors and employees from any loss of liability or damage, including expenses and costs, for bodily or personal injury and for property damage sustained by any person as a result of the placement of sandwich boards within the city.
- (III) **Dangerous condition or obstruction.** Sandwich boards may not be placed on the public sidewalk or right-of-way so as to endanger the safety of persons or property or so as to unreasonably impede or interfere with the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle; the ingress or egress of any residence or place of business; or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, call boxes, telephones or other objects permitted at or near the location.
- (IV) **Requirements for Placement of Sandwich Boards.**
 - (A) **Size and Location.** Sandwich boards shall be:
 - (i) Of a size and in a location which provides for a minimum of six (6) feet of unobstructed sidewalk so as not to impede reasonable pedestrian traffic on sidewalks;
 - (ii) No more than three (3) feet tall and two (2) feet wide;

- (iii) Located directly in front of and adjacent to the facade of the commercial establishment of the permittee, within the first three (3) feet in front of the facade;
 - (iv) Located so as not to impair bus, taxicab, or passenger loading zones;
 - (v) Located so as not to block historic markers, benches, or other public improvements; and
 - (vi) Located in commercially-zoned areas of the city.
- (B) **Hours.** Sandwich boards may be placed on the public sidewalk or right-of-way as permitted only during hours of operation. Said sign shall be removed when the permittee's commercial establishment is closed.
- (C) **Language.** Sandwich boards shall not contain any profanity or fighting words.

AN ORDINANCE BY

COUNCILMEMBER VERN McCARTY

*Vern McCarty, Clerk
Whisper*

AN ORDINANCE TO AMEND SECTION 138-8 OF
THE CODE OF ORDINANCES TO ALLOW
"SANDWICH" BOARDS IN THE PUBLIC RIGHTS-
OF-WAY; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
ATLANTA, GEORGIA, as follows:

SECTION 1: That Section 138-8 be amended by inserting the following
language:

(e) Business identification signs or "Sandwich" boards may be placed on the
sidewalk directly in front of any retail business during hours of operation. Said
signs shall be no more than thirty-six (36) inches tall. Said sign shall be removed
when businesses are closed

SECTION 2: That all ordinances and parts of ordinances in conflict herewith be
and the same are hereby repealed.